

REMARKS

There remains pending in this application claims 1-21, of which claims 1, 11, 13, and 20 are independent. No claims have been added or cancelled.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Initially, Applicant submit herewith sworn translations of each of the priority documents in the above-identified application. By perfecting priority, Applicants respectfully submit that Kato et al. (U.S. Publication No. 2003/0214090) has been removed as a reference. Accordingly, withdrawal of the rejection based on Kato et al. is respectfully sought.

Claims 1-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The basis for this rejection appeared to Applicants to be the Examiner's questioning of whether or not Applicants were attempting to use means plus function language. So as to remove any possible confusion and improve upon the clarity of the claims, Applicants have amended the claims to eliminate all means plus function language. Withdrawal of the rejection on this basis is therefore respectfully sought.

Claims 1, 11, 13, and 20 were also rejected under 35 U.S.C. § 112, second paragraph, on grounds that there was recited a condition of operation which does not further structurally limit the device. As the Examiner will appreciate, such language has been eliminated. Accordingly, the basis for this rejection has been rendered moot.

Lastly, the Examiner found reference to a conveyance means in each of the independent claims to be unclear. As the Examiner will appreciate, that language has been

removed.

For the foregoing reasons, Applicants respectfully submit that the rejections under § 112, second paragraph, should now be withdrawn.

Each of claims 1-21 stands rejected under 35 U.S.C. § 102(b) as being anticipated by both Asao (U.S. Patent No. 6,120,020) and Kawano et al. (U.S. Patent No. 5,741,009). In view of the above amendments and reasons which follow, the rejections are respectfully traversed.

Asao is directed to a sheet post-processing device that includes a storing tray for storing a sheet and a process tray for post-processing a sheet. In Asao the sheet post-processing device is provided so that a pinch roller 18a and driving roller 18b hold the set of sheets PP between them and eject a set of sheets PP toward the storing tray 16. While a sheet holding lever makes one rotation, the levers 48a, 48b and the rollers 49a, 49b guide a rear portion of the set of sheets PP and place them onto the storing tray 16 (see, col. 5, lines 7-33 and Fig. 4).

Applicants respectfully submit that the invention as now recited in each of the independent claims of the above application is clearly distinguishable from Asao. More specifically, in the present invention, the support unit according to claims 1 and 11 and the second support unit according to claims 13 and 20 are moved from a support position to an escape position at which the bundle of sheets is dropped onto the stacking tray, and these support units are moved from the escape position to the support position at which the support unit pushes the sheet or sheet bundle so as to be aligned toward the stacking tray. Such structure is neither taught nor suggested by Asao.

Kawano et al. is directed to a sheet sorting apparatus where the pushing

members 413 are brought into pressure contact with the circumferential surface of the second roller member 4052, so as to make a speed-reduction sheet discharge onto the sheet discharge tray T1. In Kawano et al. the oscillating guide plate 414 which, together with the upper guide plate 4151, forms a sheet discharge passage, and this oscillating guide plate 414 moves up and down in the periphery of the circumferential surface of the discharger roller 405 so that the circumferential surface of the discharge roller 405 is exposed or is shaded.

In contrast, and as noted above, in the present invention, the support unit as recited in claims 1 and 11, and the second support unit as recited in claims 13 and 20, are moved from a support position to an escape position at which the sheet or the bundle of sheets is dropped onto the stacking tray, and these support units are moved from the escape position to the support position at which the support unit pushes the sheet or the sheet bundle so as to be aligned toward the stacking tray. Such feature is believed neither to be taught or suggested by Kawano et al.

For the foregoing reasons, Applicants respectfully submit that each of independent claims 1, 11, 13, and 20 are patentable over the applied art of record. The remaining claims in the above application are dependent claims which depend either directly or indirectly from one of the above-discussed independent claims and is therefore patentable over the art of record for reasons noted above with respect to the independent claims. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicants respectfully submit that all outstanding matters in the above application have been addressed and that this application is in condition for allowance.

Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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